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6 **IN THE UNITED STATES DISTRICT COURT**
7 **DISTRICT OF OREGON**
8 **PENDLETON DIVISION**

9 DEREK KRUEGER,

10 Plaintiff,

Case No. 2:19-cv-01044-MK

11 vs.

12 Acting Commissioner of the Social
13 Security Administration,

14 Defendant.

ORDER GRANTING PLAINTIFF'S
PETITION FOR EAJA FEES

15
16 BEFORE THE COURT is Plaintiff's motion for an award of attorney fees pursuant to the
17 Equal Access to Justice Act (EAJA), 28 U.S.C. §2412. (Ct. Rec. 24.) Attorney CHAD
18 HATFIELD represents Plaintiff; Assistant United States Attorney Renata Gowie and Special
19 Assistant United States Attorney Katherine B. Watson, represent the Defendant.
20

21 On July 13, 2020, this Court issued its PLAINTIFF'S MOTION FOR SUMMARY
22 JUDGMENT/ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
23 (Ct. Rec. 22/23.) Plaintiff now moves for an award of attorney fees pursuant to EAJA (Ct. Rec.
24)
25

26 The EAJA provides for an award of attorney fees to private litigants who both prevail in
27 civil actions (other than tort) against the United States and timely file a petition for fees. 28
U.S.C. §2412(d)(2)(A). Under the EAJA, the court shall award attorney fees to the prevailing

1 party unless it finds the government's position was "substantially justified or that special
2 circumstances make such an award unjust." 28 U.S.C. §2412(d)(1)(A).

3 Plaintiff seeks attorney fees of \$7,065.45, based on an attorney fee rate of \$205.25 per
4 hour for 4.0 hours in 2019, \$206.77 per hour for 30.2 hours worked in 2020. Accordingly, after
5 review,

6 **IT IS ORDERED:**

7 (1) The Plaintiff's Motion (Ct. Rec. 24.) is **GRANTED**. The Commissioner is
8 directed to pay Plaintiff EAJA fees of \$7,065.45.

9 (2) The award to plaintiff shall be delivered or otherwise transmitted to plaintiff's
10 attorney of record. Address for the attorney for the Plaintiff:
11

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15 (3) EAJA fees, expenses, and costs are subject to any offsets allowed under the
16 Treasury Offset Program (TOP), as discussed recently in *Astrue v. Ratliff*, ___ U.S. ___
17 (2010), 130 S. Ct. 2521, 2522 (2010). No costs or expenses are awarded.
18

19 (4) The District Court Executive is directed to file this Order, provide a copy to
20 plaintiff as the prevailing party, plaintiff's counsel, and defendant's counsel, and **CLOSE** the
21 file.

22 **IT IS SO ORDERED.**

23 DATED this 4th day of November, 2020.
24

25 _____
26 s/ Mustafa T. Kasubhai _____
27 MUSTAFA T. KASUBHAI
28 UNITED STATES MAGISTRATE JUDGE